

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:

RESIDENTIAL CAPITAL, LLC, *et al.*,

Debtors.

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Case No. 12-12020 (MG)

Chapter 11

Jointly Administered

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**ORDER DENYING EXPEDITED MOTION FOR CONFERENCE/CLARITY OF ISSUE  
OF DISCOVERY AND INTERROGATORIES; AND ADJOURNMENT OF OMNIBUS  
OBJECTION HEARING FILED BY PHILIP AND SYLVIA EMIABATA**

The ResCap Borrower Claims Trust (the “Trust”) filed its eighty-second omnibus objection to claims (the “Objection,” ECF Doc. #8042). Two of the claims subject to the Objection are Claim Numbers 3910 and 4085 (the “Claims”) filed by Philip and Sylvia Emiabata (the “Emiabatas”). After the Objection was originally filed in January 2015, the Emiabatas did not submit a response and, on April 1, 2015, the Court sustained the Objection to the Emiabatas’ Claims. (*See* ECF Doc. # 8400.) Subsequently, the Emiabatas advised the Court that the Objection was served at the incorrect address and they therefore did not receive proper notice. (*See* ECF Doc. # 8563.) The Court entered an order vacating the prior order sustaining the Objection as to the Emiabatas’ Claims and directed that the Trust re-serve the Objection to be considered at a later hearing date. (*Id.*) The Trust noticed the Objection to the Claims for a hearing on June 23, 2015 (*see* ECF doc. # 8568), re-served the Emiabatas, and the Emiabatas thereafter filed a timely opposition to the Objection (the “Opposition,” ECF Doc. # 8726). The Trust thereafter filed a reply in support of its original Objection, which also included supplemental objections to the Claims (the “Supplemental Objection,” ECF Doc. # 8810). A hearing on the Objection and Supplemental Objection was scheduled for July 30, 2015 at 10:00 a.m. (*See* ECF Doc. # 8774.)

On June 26, 2015, the Emiabatas filed two motions: (1) a motion to compel discovery from the Trust (the “Motion to Compel,” ECF doc. # 8821); and (2) a motion to extend time to complete such discovery (the “Motion to Extend,” ECF Doc. # 8822; together with the Motion to Compel, the “Motions”). The Court entered an order denying the Motion to Compel without prejudice because the request for discovery was premature; the order also denied the Motion to Extend as moot in light of the Court’s ruling on the Motion to Compel. (*See* ECF Doc. # 8854.)

The hearing on the Objection was subsequently adjourned from July 30, 2015 to September 3, 2015. The Emiabatas timely filed a response to the Objection on August 20, 2015 (ECF Doc. # 9049).

On August 26, 2015, however, the Emiabatas filed the *Expedited Motion for Conference/Clarity of Issue of Discovery and Interrogatories; and Adjournment of Omnibus Objection Hearing to December 3, 2015 on Claims Nos. 3910 & 4085 – Philip Emiabata and Sylvia Emiabata* (the “Motion for Conference,” ECF Doc. # 9065), which is currently pending before the Court.

Having reviewed the Motion for Conference, the Court **DENIES** the requested relief. The hearing on the Objection will go forward as scheduled on September 3, 2015 at 10:00 a.m.

**IT IS SO ORDERED.**

Dated: August 27, 2015  
New York, New York

/s/Martin Glenn  
MARTIN GLENN  
United States Bankruptcy Judge